

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MELVIN MEDINA,

Plaintiff,

v.

C&S WHOLESALE GROCERS, INC.,

Defendant.

CIVIL ACTION
NO. 17-4547

ORDER

AND NOW, this 18th day of April, 2018, upon reviewing Defendant C&S Wholesale Grocers, Inc.'s Motion to Dismiss (Docket No. 9), and all supporting and opposing papers, it is hereby **ORDERED** that Defendant's motion is **GRANTED** in part and **DENIED** in part. Count I will be dismissed and Count II may proceed as alleged.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.